IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

09-97J

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WEST. DIST. OF PENNSYLVANIA

Name and address of Plaintiff:
ANTONIO PEARSON – BI-0521
1600 WALTERS MILL Rd.
SOMERSET, Pa. 15510

v.

Full name, title, and business address of each defendant in this action:
1 MEDICAL DIRECTOR Dr. McGRATH
1600 WALTERS MILL rd.
SOMERSET, Pa. 15510

2 SEE COMPLAINT

Use additional sheets, if necessary
Number each defendant.

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? SCI-SOMERSET

What sentence are you serving? LIFE

What court imposed the sentence? PHILADELPHIA

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs NONE

Defendants NONE

2. Court (if federal court, name the district; if state court, name the county) and docket number

3. Name of judge to whom case was assigned NONE

4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

5. Approximate date of filing lawsuit

6. Approximate date of disposition

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where?
When?
Result:

III. What federal law do you claim was violated? SEE COMPLAINT

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

A. Date of event: SEE COMPLAINT

B. Place of event: SEE COMPLAINT

C. Persons involved–name each person and tell what that person did to you: SEE COMPLAINT

V. Did the incident of which you complain occur in an institution or place of custody in this District? If so, where? SEE COMPLAINT

and answer the following questions:

A. Is there a prisoner grievance procedure in this institution?
Yes (X) No ( )

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
Yes (X) No ( )

C. If your answer is YES,

1. What steps did you take? EXHAUSTED ALL AVAILABLE REMEDIES

2. What was the result? NOTHING WAS DONE

D. If your answer is NO, explain why not:

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?
Yes ( ) No ( )

F. If your answer is YES,

1. What steps did you take?

2. What was the result?

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statues.

SEE COMPLAINT SEE COMPLAINT

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

April 10, 2009
(Date)

[signature]
(Signature of Plaintiff)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTONIO PEARSON, plaintiff

v.

PRISON HEALTH SERVICE, SOMERSET COUNTY HOSPITAL, MED. DIR. McGRATH, CHCA AT SOMERSET VISINSKY, CHCA AT ALBION OWENS, DEPT. SUPT. GIBSON, SUPT. ROZUM, CAPT. PAPUGA, LT. DOYKA, SGT RITTENOUR, P.A. ROBERT SOLARZIK, P.A NANCY ZIEGLER, P.A. SHILOBAD, P.A. COLLINS, P.A. McMULLEN, RN. JANE DOE-1, RN. JANE DOE-2, RN. JANE DOE-3, RN. JANE DOE-4, RN. JOHN DOE-1, RN. JOHN DOE-2, P.A. JOHN DOE-1, P.A. JOHN DOE-2, P.A. JANE DOE-1, P.A. JANE DOE-2, DR. JOHN DOE-1, DR. JOHN DOE-2, JOHN DOE-1 C.O., et al defendants

CIVIL ACTION

DKT No. ______ 2009

COMPLAINT

ANTONIO PEARSON, pro-se
BL-0521, SCI-SOMERSET
1600 WALTERS MILL Rd.
SOMERSET, Pa. 15510

A - ADDITIONAL DEFENDANTS

1. PRISON HEALTH SERVICE
2. ROBERT McGRATH - MEDICAL DIRECTOR
3. JOSEPH W. VISINSKY - CHCA AT SOMERSET
4. Mrs. OWENS - CHCA AT ALBION
5. SYLVIA GIBSON - DEPT SUPT.
6. GERALD L. ROZUM - SUPT.
7. THOMAS PAPUGA - CAPTAIN
8. Lt. DOYKA
9. SGT RITTENOUR
10. NANCY ANDERSON ZIEGLER - P.A.
11. ROBERT SOLARCIK - P.A.
12. MIA SHILOBAD - P.A.
13. JAMIE COLLINS - P.A.
14. RAY E. McMULLEN - P.A.
15. SOMERSET COUNTY HOSPITAL
16. JANE DOE-1 - RN.
17. JANE DOE-2 - RN.
18. JANE DOE-3 - RN.
19. JANE DOE-4 - RN.
20. JOHN DOE-1 - RN.
21. JOHN DOE-2 - RN.
22. JOHN DOE-1 - P.A.
23. JOHN DOE-2 - P.A.
24. JANE DOE-1 -P.A.
25. JANE DOE-2 - P.A.
26. JOHN DOE-1 - DR.
27. JOHN DOE-2 - DR.
28. JOHN DOE-1 - CORRECTIONAL OFF.

B - CAUSE OF ACTION AGAINST ALL DEFENDANTS

1. The plaintiff's Federal 1st, 8th and 14th Amendment rights were violated, by Persons Acting Under Color of State Law. This Complaint is being filed pursuant to Title 42 § 1983 and the United States Constitution.

2. All defendants were deliberately indifferent to the plaintiff's Medical needs, through their actions or inactions, Prison Health Service's policies and procedures and a blatant disregard for the plaintiff's health and well being.

3. All defendants failed to stop the plaintiff from suffering excruciating pain and irreparable harm.

C - REQUESTED RELIEF

1. Issue declaratory Judgement that the above Statements (2) two and (3) three violated the plaintiff's Civil Rights and the United States Constitution Amendments (1st, 8th, and 14th).

2. Grant compensatory damages from each defendant, in the amount of ($50,000.00) fifty thousand dollars.

3. Grant punitive damages from each defendant, in the amount of ($1,000,000.00) one million dollars.

4. Grant compensation for all cost incurred from the litigation of this action.

5. All defendants are being sued in their individual and official capacity.

6. All defendants be investigated and their license to practice medicine be revoked or suspended.

7. Trial by jury on all issues.

8. The plaintiff respectfully, request this court to allow him to amend this complaint because the defendants refused to allow the plaintiff to purchase a copy of his medical file so that the plaintiff could properly file this litigation. The plaintiff is requesting to be allowed to amend this complaint if the plaintiff is retaliated against in any manner by any of the defendants or their friends, including but not limited to Transfer of the plaintiff, Placement of the plaintiff in the RHU, Assault of the Plaintiff, threatening of the Plaintiff, falsifying charges against the plaintiff, fabricating misconduct charges against the plaintiff, harassment of the plaintiff, some bogus investigation of the plaintiff and threatening or intimidation of the plaintiff.

D - CLAIMS AGAINST ALL DEFENDANTS

1. Since the plaintiff's arrival at SCI-Somerset, in the years of 2000 until 2001, and from 2005 until April 11, 2007, and at SCI-Albion from 2003 until 2005 the plaintiff made numerous complaints, through sick-call and grievances, about pains in the upper and lower abdomen area, lower left side, near the naval area, lower back pains, near and about the rectum and pelvic area, erectile disfunction and the pain was steadily getting worse and the tumor getting larger and almost causing the plaintiff's death. The foregoing

complaints were handled by defendants - McGrath, Rozum, Visinsky, Gibson, Owens, Sobina, numerous unknown Physicians assistants, unknown Doctors and numerous unknown nurses, at SCI-SOMERSET, SCI-ALBION.

2.On April 10, 2007, while in the quing area, the plaintiff spoke to defendant Gibson about the constant sharp pains the plaintiff was experiencing in his lower right, front abdomen and requested her to call medical to have the plaintiff seen by medical due to the pain spreading throughout the plaintiff's entire abdomen area. At or about 1:00pm, right after the afternoon count cleared the plaintiff was seen by defendant Jane Doe-1 a nurse; who instead of forwarding the matter to a P.A. or a doctor, stated that she believed the pulled a muscle, and further states that she will place the plaintiff on for sick-call the following day.

3.On April 10, 2007, the plaintiff went back to medical at or about 5:00pm due to the pain becoming excrutiating. Before proceeding to enter the treatment area, another inmate informed the plaintiff that he just overheard then defendant Jane Doe-2, inform someone else that she is either going to charge the plaintiff $5.00 or he, the plaintiff can just leave and see sick-call the next day. when the plaintiff was finally able to see this defendant Jane Doe-2, she informed the plaintiff that she believed the plaintiff's gall-bladder was failing. The defendant Jane Doe based this diagnoses on her own experiences, regarding her gall-bladder. As far as the defendant was concerned this was the reason she believed the plaintiff was having these pains. Defendant Jane Doe than told the plaintiff there was nothing else she could do for the plaintiff and that the plaintiff was to wait until the following day for sick-call.

4. On April 10, 2007, at approximately 11:00pm, the plaintiff alerted defendant John Doe-1 (block officer) that the plaintiff was in severe pain in his entire stomach area and asked this defendant to call medical. When this

defendant came back to the plaintiff's cell this defendant told the plaintiff that the nurse defendant John Doe-1 a nurse, that he talked to stated, that he was not coming to the unit because the plaintiff was already seen twice that day by a nurse and that the plaintiff was on sick-call for the next day. Than defendant John Doe-1 (correctional officer) told the plaintiff there was nothing else that he could do for the plaintiff and left the plaintiff in excrutiating pain. The pain was so excrutiating that the plaintiff screamed, until 2:30am on April 11, 2007; when the defendant John Doe-1 (correctional officer), supposedly, called medical again; and finally defendant John Doe-1 a nurse, came to the unit to see the plaintiff.

5. On April 11, 2007, when defendant John Doe-1 a nurse, came to the unit to see the plaintiff, and because he was mad at the plaintiff, he forced the plaintiff to crawl to the wheel chair, from the bed, which was next tot the bed. This defendant stated that if the plaintiff could not make it to the wheelchair, than he will not be taken to the hospital. This defendant also would not assist the plaintiff in placing on his shoes, which the plaintiff could not do for himself due to his inability to bend at the waist. After the plaintiff finally made it to the wheelchair, he was then taken to the institution's infirmary, placed in an infirmary cell all night in excrutiating pain. Until seen by defendant Visinsky and DR. Ghatge, who subsequently authorized the plaintiff to be sent to the outside hospital, due to the seriousness of the plaintiff's condition, which resulted in the plaintiff having emergency surgery, whereby the plaintiff's appendix was removed and a tumor/mass being found in the plaintiff's stomach, that had attached itself to the plaintiff's appendix, and this is why the plaintiff appendix failed. The defendant John Doe-1 Doctor who did the plaintiff's surgery never told the institution that the plaintiff had a Tumor/mass removed from his stomache, never called the plaintiff back for a check-up like he said since this

tumor/mass had attached itself to the plaintiff's liver and would have killed the plaintiff's liver.

6. As the plaintiff was brushing his teeth the plaintiff felt a sharp pain and than felt a liquid start running down his leg, the plaintiff had the block officer call medical about the situation and they refused to allow the plaintiff to come to medical, but told the officer to tell the plaintiff to just lay down in the bed. The plaintiff continued to be in constant pain and blood continued to run down the plaintiff's leg and that is when the block Sgt called medical and they told the plaintiff to come up to medical. Once the plaintiff got up to medical the plaintiff was seen by defendant John Doe-P.A. and after he saw the amount of blood and the brightness of the blood, he told the plaintiff not to get undressed because the plaintiff might be going to an outside hospital since the blood was bright red and could be arterial blood, when the defendant John Doe-P.A. came back he told me that he called defendant McGrath at home and he told defendant John Doe-P.A. to just place the plaintiff in a room overnight, and this defendant told me that defendant McGrath was mad at him for calling him at home about this problem. The plaintiff was seen by defendant McGrath the next day and defendant McGrath told the plaintiff that this is normal and that I should not worry about this but he made this determination without seeing the amount of blood the plaintiff was passing and did not take into account the pain the plaintiff was feeling and subsequently this defendant sent the plaintiff back to the unit without properly treating the plaintiff. The plaintiff kept having blood gush out of his penis, had to use a bag to keep it from messing up his clothes and bedding and was in constant pain, when the plaintiff told defendant Rittenour about the problem and the paint the plaintiff was in, defendant Rittenour called defendant Papuga, who told him to give the plaintiff a direct order to get rid of the blood, this was done to hide the plaintiff's serious medical

need. Blood started running down the plaintiff's leg again and the plaintiff told officer Gaydis who gave the plaintiff a pass to medical and when the plaintiff got to medical the plaintiff was told to have a seat and wait. While the plaintiff was waiting to be seen by medical I saw Debra Lockhard, who was coming out for a smoke break and I informed her of my problem and the seriousness of it and she took me immediately in the back to take a look at what I was saying and when she noticed the amount of blood in the bag and the blood clots, she immediately took it to defendant McGrath and she told the plaintiff that he would be going to the outside hospital.

7. The plaintiff learned that the plaintiff had a cut on the inside of his penus, which was done by staff at Somerset County Hospital and when the plaintiff wrote to Somerset County Hospital to try and get a copy of his medical files, the defendants refused to give them to the plaintiff, to intentionally keep what was done to the plaintiff and what was found inside of the plaintiff away from the plaintiff.

8. On April 18, 2007, upon the plaintiff returning from his surgery on his penis, the plaintiff was told by Jane Doe-3 a nurse, that defendant McGrath was releasing the plaintiff back to general population and when the plaintiff asked for a wheelchair the plaintiff was denied and when the plaintiff asked how was he supposed to get around and get from the chowhall to the unit and this defendant Jane Doe-3 a nurse, told the plaintiff the best way he knows how. The plaintiff talked to defendant Doyka about the pain he was in and that the plaintiff needed a wheelchair but defendant Doyka refused to do anything. The plaintiff finally told defendant Gibson about the pain the plaintiff was in and she had the medical department send the plaintiff a wheelchair to get around with.

9. Defendant McGrath and Visinsky lied tot he plaintiff about what was done to the plaintiff and refused to have the plaintiff checked to see if this

growth started to grow back, since know one knew what it was the plaintiff had or where it came from.

Date: April 10, 2009

Sign: Antonio Pearson

ANTONIO PEARSON, pro-se
1600 WALTERS MILL Rd.
SOMERSET, Pa. 15510
BL-0521